

STATE OF SOUTH CAROLINA

(Caption of Case)

Example: Application for a Class C Charter Certificate from
John Doe dba Doe's Limo

Checker Yellow Cab Co. Inc.

Complainant/Petitioner

v.

Ard's Airport Shuttle
Best way Shuttle Service

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

TRANSPORTATION COVER SHEET

DOCKET

NUMBER: 2009-317-T

If this is your first time filing an application with the PSC, you will not have a Docket Number. The Commission will assign one to you. If you have filed with the Commission before, a Docket Number was assigned and should be entered above.

(Please type or print)

Submitted by: Dallas D. Ball

Telephone: (803) 794-8608

Address: P.O. Box 419

Fax:

Ballentine, S.C. 29002

Other:

Email:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

NATURE OF ACTION (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Application – Class C Taxi | <input type="checkbox"/> Request to Amend Scope of Authority |
| <input type="checkbox"/> Application – Class C Charter | <input type="checkbox"/> Request to Amend Tariff (rate increase, etc.) |
| <input type="checkbox"/> Application – Class C Charter Bus | <input type="checkbox"/> Request to Amend Passenger Limit |
| <input type="checkbox"/> Application – Class C Non-Emergency | <input type="checkbox"/> Request |
| <input type="checkbox"/> Application – Class E Household Goods | <input type="checkbox"/> Exhibit |
| <input type="checkbox"/> Application – Class E Hazardous Waste | <input type="checkbox"/> Late-Filed Exhibit |
| <input type="checkbox"/> Application | <input type="checkbox"/> Letter |
| <input type="checkbox"/> Request for Extension to Comply with Order | <input type="checkbox"/> Proposed Order |
| <input type="checkbox"/> Request for Order Granting Authority to Obtain Certificate of Public Convenience and Necessity to Be Rescinded | <input type="checkbox"/> Publisher's Affidavit |
| <input type="checkbox"/> Request for Cancellation of Certificate | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Request for Suspension | <input type="checkbox"/> Response |
| <input type="checkbox"/> Request for Reinstatement | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Request for Name Change on Certificate | <input checked="" type="checkbox"/> Other: PETITION FOR RULE TO SHOW CAUSE |

DALLAS D. BALL, P.C.

ATTORNEY AT LAW

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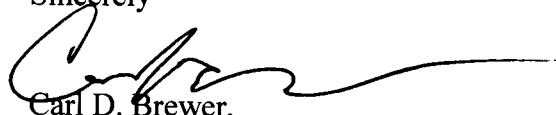
July 29, 2009

S.C. Public Service Commission
Synergy Business Park
101 Executive Center Drive
Columbia S.C. 29210

RE: Yellow Cab Company , Inc. v. Ard's Airport Shuttle Service and Best Way Shuttle Service

Enclosed for filing please find the original and 10 copies of Notice of Filing and Transport Cover Sheet as well as Petition for Rule to Show Cause.

Sincerely



Carl D. Brewer,
Paralegal to Dallas Ball

Cc: Office of Regulatory Affairs

RECEIVED
2009 JUL 29 PM 2:40
S.C. PUBLIC SERVICE
COMMISSION

Public Service Commission of South Carolina Columbia, South Carolina

NOTICE OF FILING

BRIEF DESCRIPTION OF THE PLEADING (*Relief the Company is Seeking from the Commission*):


Petition for Rule to Show Cause as to why Defendants Ard's Airport Shuttle Service and Best Way Shuttle Service should not have their Class C Certificates revoked.

STATUTORY OR OTHER LEGAL AUTHORITY UNDER WHICH PLEADING IS FILED: _____

SC Code of Regulations § 103-102 (6), and § 103-240

IF THE PLEADING IS A RATE CASE AFFECTING THE GENERAL BODY OF SUBSCRIBERS, LIST ALL CURRENT AND PROPOSED RATES AND ANY OTHER CHANGES TO THE COMPANY'S TARIFF CURRENTLY ON FILE WITH THE COMMISSION: _____


[Signature of Authorized Representative]


[Date]

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. _____

RECEIVED
2009 JUL 20 PM 4:16
PUBLIC SERVICE
COMMISSION

Checker Yellow Cab Co, Inc,)
)
Complainant/Petitioner,)
)
vs.)
)
Ards Airport Shuttle Service,)
Best Way Shuttle Service,)
)
Defendants)
_____)

PETITION FOR RULE
TO SHOW CAUSE

Complainant alleges:

1. Petitioner Checker Yellow Cab Company ("Checker") is a corporation organized and existing pursuant to the laws of the State of South Carolina and is a Class C Taxi Certificate Holder authorized to conduct Class C Taxi operations by the South Carolina Public Service Commission ("Commission").
2. That the Commission has jurisdiction over the matters contained herein.
3. Ard's Airport Shuttle Service ("Ard's") is authorized to conduct Class C Charter operations by the commission and operates 15 passenger vans in Richland and Lexington Counties with LS tags subject to regulation and oversight by the Commission.
4. Best Way Shuttle Service ("Best Way") is authorized to conduct Class C Charter operations by the commission and operates 15 passenger vans in Richland and Lexington Counties with LS tags subject to regulation and oversight by the Commission.

5. That both Ard's and Best Way, while certificated by the Commission as Class C Charter carriers, have attempted to define themselves as "shuttles" but no legal definition for the term "shuttles" exists in the statutes or regulations applicable to the Commission's certification of passenger carriers in South Carolina. In accordance with 26 S.C. Code Ann. Regs 103-112 (Supp. 2008) all Class C motor carriers are classified as either "taxi cabs," "Charter buses," "charter limousines," or "non-emergency vehicles".

6. That while certificated, insured, and marked as Class C Charter limousines, Ard's and Best Way are operating their vehicles as "taxi cabs" which are defined by 26 S.C. Code Ann. Regs § 103-102(28) (Supp. 2008) as "a passenger carrier vehicle capable of carrying between one and fifteen passengers, the use or transportation in which is paid for or billed to the passengers on a per trip basis.

7. A Class C Charter Certificate is defined by 26 S.C. Code Ann. Regs § 103-102 (6) as a certificate "required to be held by service providers engaged in passenger for hire transportation using any motor vehicle equipped to carry up to fifteen (15) passengers and accepting passengers exclusively on a pre-arranged basis and which is determined on an hourly basis." (Emphasis added).

8. That based upon information and belief, Petitioner alleges that the Defendants Ard's and Best Way are failing to comply with either the pre-arranged or hourly requirements of the regulation but instead are engaged in providing Class C Taxi services which are outside the scope of authority provided to them by the Commission.

9. Upon information and belief neither Defendant have obtained or can provide evidence of liability insurance coverage required by the Commission for operators of Class C taxi's. Further, Defendants do not have filed or published tariffed rates.

10. 26 S.C. Code Ann. Regs § 103-102 authorizes the Commission to revoke the certificate of a certificated carrier which is shown to have willfully violated Commissions regulations.

11. Defendants are mandated by law to maintain a copy of the PSC regulations and are fully aware they are violating the regulations pertaining to Class C Charter operations.

12. Defendants circumvent the requirements of the PSC Regulations to save money on insurance and avoid regulations and inspections that otherwise would apply if they were to register as a class C taxi operator as the regulations would require.

13. Defendants damage legitimate and legal operators because they take business that would otherwise go to legal operators.

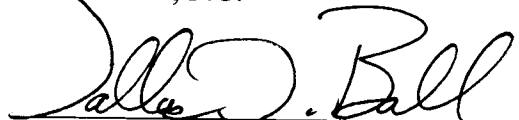
14. Defendants use their Limousine status to circumvent regulation by municipalities on rates, appearance, and safety.

15. Ard's and Best Way circumvent rules at the Columbia Metropolitan Airport and wait in a line much shorter than the Taxi Line, but still engage in the same exact business as a taxicab by operating a demand response business and charge on a per trip basis.

WHEREFORE, Complaint asks the Commission to Issue a rule to Show Cause why Defendants should not have their certificates revoked, and/or comply with all requirements of Class C Taxi Operators to include insurance, markings, and license tags..

DALLAS D. BALL, P.C.

BY:



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ATTORNEY FOR COMPLAINTANTS

Ballentine, S.C.

Dated: 29 JULY '09